THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.15635 OF 2005

Date: 22-08-2005

Between:

V.Laxmaiah and others …Petitioners

And

The Mandal Revenue Officer and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.15635 OF 2005

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ):

The petitioners claim that the tree existing in the village from long time is being used for some religious purposes therefore, it should not be cut. The Gram Panchayat has filed a counter-affidavit, in which they have stated that this tree is not being used for any religious purposes and the Gram Panchayat has passed a resolution on 05-06-2005 to remove the age-old tree as it was in a dilapidated condition and necessary clearances were brought from the Forest Department. The Gram Panchayat was of the opinion that since the tree was in a dilapidated condition, it is dangerous as it could naturally also fall at any time and cause damage to the person and property. It

is also submitted in the counter that some other person in the village also filed a writ petition being W.P.No.21760 of 2002, in which he claimed that the tree belong to him. That writ petition has already been dismissed. Some of the villagers also filed a suit which is pending before the civil Court, although an application for stay has been dismissed.

Since questions of fact are involved as to whether the tree is in such a bad shape that it is dangerous for life and property of the villagers and as to whether the tree is being used for any religious purposes, this Court would not be in a position to decide these questions of fact. Therefore, the writ petition is dismissed. However, the petitioners are at liberty to take remedies that may be available to them in law. No order as to costs.

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(Bilal Nazki, ACJ)

22nd August, 2005

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(G.Chandraiah,J)

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